Fourteenth Loksabha

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Participants : Reddy Shri Suravaram Sudhakar,Yadav Shri Ram Kripal,Deora Shri Milind Murli,Pilot Shri Sachin,Owaisi Shri Asaduddin,Paul Dr. Sebastian,Suman Shri Ramji Lal,Kumar Shri Shailendra,Pachauri Shri Suresh,Radhakrishnan Shri Varkala,Mehta Shri Alok Kumar,Lahiri Shri Samik,Chowdhury Shri Adhir Ranjan,Yerrannaidu Shri Kinjarapu,Senthil Dr. R,Athawale Shri Ramdas

Title: Discussion on the Right to Information Bill, 2004. (Not concluded).

14.23 hrs.

GOVERNMENT BILL, 2004

Right to Information Bill, 2004

MR. DEPUTY-SPEAKER: Now, we take up item No. 12. Hon. Minister is to move that the Right to Information Bill be taken into consideration.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI SURESH PACHAURI): Mr. Deputy-Speaker, Sir, I beg to move* :

> "That the Bill to provide for setting out the practical regime of right to information for people to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and for matters connected therewith or incidental thereto, be taken into consideration."

Sir, the Common Minimum Programme of UPA made a solemn pledge to the people of India to provide honest, transparent, responsive and accountable governance and an administration that is sensitive to their needs at all times. The Common Minimum Programme also promised to make the right to information more progressive, participatory and meaningful. The Right to Information Bill, 2004 introduced by me in this House on 23rd December, 2004 was a step forward in redeeming this pledge.

Sir, under the able and enlightened guidance of UPA Chairperson, Shrimati Sonia Gandhi, and the dynamic and forward looking leadership of our Prime Minister, Dr. Manmohan Singh, we have come up with a new and improved legislation on the right to information. We believe that the new legislation would

* Moved with the recommendation of the President.

radically alter the administrative ethos and culture of secrecy through ready sharing of information by the State and its agencies with the people. An era of transparency and accountability in governance is on the anvil. Information and more appropriately access to information would empower and enable people not only to make informed choices but also participate effectively in decision-making processes.

Sir, the necessity of providing people with the Right to Information, in order to enable and empower them, has indeed been recognised for a long time now. As early as in 1980, late Shrimati Indira Gandhi tracing the origin of the idea stated :

> "Modern societies are information societies. Citizens tend to get interested in all fields of life, and demand information that is as comprehensive, accurate, and fair as possible. The idea of right to information has, thus, come to be advanced."

The Bill was referred to the Departmentally-related Parliamentary Standing Committee, and its Report was laid on the Table of this House on 21 March 2005. Besides, the Committee, which made certain key recommendations, the Government also received valuable suggestions from the National Advisory Council, headed by Shrimati Sonia Gandhi. The Government has been greatly benefited by these proposals. In our sincere endeavour to provide the ordinary citizen with an easy and effective access to public information, the Government has accepted a majority of these suggestions.

The notice for official amendments has been circulated to all hon. Members, and they would agree with me that the amendments go a long way in strengthening the information regime, and in making the Right to Information substantive, and meaningful.

The Right to Information has been held by the hon. Supreme Court as inherent in article 19 of our Constitution, thereby, elevating it to a fundamental right of the citizens. The Bill, which seeks to create an effective mechanism for easy exercise of this right, has, therefore, been appropriately titled as 'Right to Information Bill.' Some of the provisions of the Bill shall come into force as soon as it is enacted, while the remaining provisions shall become effective on the 120th day of its enactment. It shall, therefore, be incumbent on the public authorities to develop the necessary infrastructure for providing the information to the citizens within this period. The term information has been comprehensively defined in clause 2 (d), and includes within its ambit material held in electronic form also.

The scope of the Bill is being extended to authorities and bodies under the Constitution or other law, and *inter alia* includes authorities under the Central Government, State Governments, and the local bodies. The non-Governmental organisations substantially financed, directly or indirectly, by the public funds are also being brought under the ambit of this Bill.

In clause 4 of the Bill, a duty has been cast on every public authority to provide, *suo motu,* public information as prescribed therein as well as other information, so that public has minimum resort to the use of this legislation to obtain information. Duty has also been assigned to the public authority to maintain its record duly, catalogued and indexed, in a manner and form so as to facilitate access to information by the citizens, as provided under this legislation.

The procedure of securing information, provided in clause 6 of this Bill, is very simple. A citizen has to merely make a request to the concerned Public Information Officer or Assistant Public Information Officer specifying the particulars of the information sought by him. He is not required to give any reason for seeking an information or any other personal details, except those necessary for contacting him.

The request for information can be made either in Hindi or in English or, in the official language of the State. The fee payable shall be reasonable. Moreover, consistent with our Government's concern for the poor, provision has been made to provide information free of cost to the member of the below poverty line (BPL) families. For convenience of the citizens, provision has also been made for appointment of Assistant Public Information Officer by every public authority at each sub-divisional level to receive the application for the information or an appeal. A duty has further been cast on Public Information Officer to render reasonable assistance to the persons seeking such information, and in case the person is unable to make the request in writing, to render assistance to him in making his oral request converted into writing. Further, duty has also been cast on him to forward the request to the concerned Public Information Officer in case the information sought is held by any other public authority.

Sir, to ensure that the information sought is provided quickly, clause 7 of the Bill makes it obligatory for the Public Information Officer to provide the information requested for and permissible under the Bill, not later than 30 days. However, where the information requested concerns the life or liberty of a person, it has been made mandatory to provide it within 48 hours of the receipt of the request. In case of a request to provide information relating to a third party, clause 11 of the Bill, requires a written notice to be given to such party and the party would have 10 days to respond to it. The Public Information Officer, after giving an opportunity to the third party, is required to decide the matter within 40 days.

Sir, the Government is keenly aware that even the most ambitious legislation often remains confined to the law books for want of an effective regime to implement and enforce its provisions. We were determined to save the Right to Information from such a fate. To ensure that the Government officials and all public authorities provide high priority to requests for information from citizens, deterrent penalties have been provided for failure to provide information in time or, for refusing to accept application for information or, for giving incorrect, incomplete or misleading information or, destroying information and so on. The penalty would be Rs. 250 for each day of delay and will go up to Rs. 25,000. A high-level Information Commission has been set up and has been authorised to impose the penalty and adjudicate all such matters in a time bound manner. The onus of proving innocence is on the public servant. In addition, the Commission may also recommend disciplinary action against the Government servant under the relevant service rules. The provision for penalty is contained in clause 17 of the Bill.

Sir, clause 16 of the Bill contains a two-tier mechanism for appeal. The first appeal lies to an officer within the organisation who is senior in rank to Public Information Officer. The second appeal lies to the Information Commission. Jurisdiction of the lower court is barred under clause 20 of the Bill.

The categories of information exempted from disclosure are a bare minimum and are contained in clause 8 of the Bill. Even these exemptions are not absolute and access can be allowed to them in public interest if disclosure of the information outweighs the harm to the public authorities. Such disclosure has been permitted even if it is in conflict with the provisions of the Official Secrets Act, 1923. Moreover, barring two categories that relate to information disclosure - which may affect sovereignty and integrity of India etc., or information relating to Cabinet papers etc. - all other categories of exempted information would be disclosed after twenty years.

Clause 21 of the Bill exempts security and intelligence organisations from the provisions of the Bill. In cases of allegation of corruption and human rights violation, however, exemption would not be available even to these agencies. In the event of allegations of violation of human rights, information would be made available after the approval of the Information Commission. Another remarkable feature contained in clause 19 of the Bill is that the provisions of this Bill shall have overriding effect in the event of any conflict between the provisions of this Bill and the Official Secrets Act, 1923, or any other law for the time being in force.

I believe that the provisions of the Bill will be a watershed in the evolution of the right to information in our country, and will bring India at par with only a handful of the countries which have enacted such legislations. In several respects, ours, when passed, will be a law far more liberal and advanced as it resolves the conflict between the State and the citizen in favour of the citizen. It is coming just in time when India is emerging and claiming its rightful place, as a major global player in the comity of nations. But, most important of all, through this legislation, we are seeking now to redefine governance by shedding the age-old inhibitions and by reaching out to the people through breaking down the walls that separate the Government from the governed. This legislation will be a spur to the evolution of the citizen by making him more aware and of the Government, by making it more accountable.

I am confident that the Bill which aims to bring a radical transformation in the lives of the citizens of this country will receive support from each hon. Member of this House. With these words, I commend the Bill for the consideration of the House.

MR. DEPUTY-SPEAKER: Motion moved:

> "That the Bill to provide for setting out the practical regime of right to information for people to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and for matters connected therewith or incidental thereto, be taken into consideration."

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, at the outset, I thank you for giving me this opportunity to initiate the discussion on this important Bill. This is a very important Bill in the sense that it is directly connected with article 19 of the Constitution.

This is not our first attempt - previously also we attempted - to codify the Right to Information which is embodied in the Constitution. In the Thirteenth Lok Sabha, I think, we passed a similar statute called the Freedom of Information Act, 2002. That legislation, that statute, did not meet the requirements of the situation. There were many loopholes in it. The Act itself was defective in many ways. For want of time I am not going into the details. So, the Freedom of Information Act, 2002 was finally decided to be amended. The Government of India decided to amend the Freedom of Information Act, 2002.

Now this new Bill is brought before the House. A separate legislation is required. Mere cosmetic amendments are not required. A thorough change or overhauling of the statute passed by this House was found necessary. So, it is decided or it is prudent or even expedient to have a separate legislation instead of amending the statute, which was not implemented during the previous NDA regime. The Right to Information Bill, 2004, which was brought, is entirely different from the Freedom of Information Act. The Right to Information Bill is, in many ways, very important. I am not going into all the details. But, at the outset, I may point out that the hon. Minister did not do justice to the House. As per rule 74 of the Rules of Procedure, the Minister ought to have given sufficient time for studying the amendments. Amendments introduced in the Bill look more or less like a separate Bill. This is a very lengthy process. Sufficient time is not given to the Members to study the Bill, which is very important. No time was given to the Members. It was circulated only in the morning. It is quite unfortunate. It ought to have been circulated two days before, as per the rules. That they have not done. It was circulated only today.

This Bill contains amendments to each and every Section, which are important. For example, this Bill provided for the Information Commission only for the Central Government. Now amendment is provided in the provisions for the State also. This is entirely a different thing. You will not find provisions which are there in the original Bill, which was introduced in this House. All these provisions are new. They are all new amendments. I can put it this way that the entire overhauling has taken place as far as 2004 Bill is concerned. I agree with the provisions because I am one of the Members who studied the Bill in the Standing Committee. It was, at my instance, that certain amendments were brought. That is why, I am supporting this Bill. I am in the know of things. But other Members have not been provided with sufficient time. They should also know as to what are the amendments proposed in the Bill. There was no time because it was circulated only today. It is very unfortunate as this is a very important Bill.

We are making a law which is applicable throughout India, including the States. We must understand that States like Maharashtra and some other States have already Information Act and have already implemented this Right to Information statute. There is a Citizens Charter in those statutes. So, where is the question as to whether it is in the Concurrent List or whether it is exercised by the Union Government alone? States claim that they have the right to bring in a legislation. That is why State Assemblies have passed such a Bill on the understanding that it is a Concurrent subject. So, I would like to say that there are States where this Information Bill or Act is in force. What will happen to them? Will there not be a question of federalism being affected? What will happen? Which will prevail - this Act or the State Act? If the State Act is to prevail, it goes against the provisions of this Act; if the Central Act is to prevail, it will sometimes go against the provisions contained in the State Act. Such a situation may come. We will have to overcome this difficulty. Of course, we can have a provision to the effect that the Central Act will prevail over the State Act for the time being. But it is for the court to decide which Act will prevail. That is another matter. Since, it is a matter concerning the States also, since Legislative Assemblies have passed statutes, it would have been prudent and proper to have obtained their opinion also. But, that was not done in the instant case. That is one aspect.

I may again point out why we have deviated from the 2002 statute. There was no penal provision in the 2002 statute. If there was a violation, there was no penal provision. It was only advisory in nature. No action could be taken. Supposing, a citizen required a piece of information from the public officer and if he refused to give that information, no penal action was possible in the previous Act passed by this House. There is a deviation in this Bill. It has been made a penal offence. Suppose, some responsible public authority refuses to divulge an information, now he can be punished, he can be prosecuted. This is not merely a watchword, this is something to be enforced. If there is any violation, he will be penalised. That is a difference in this particular Bill.

Now I come to appointment of the Information Commissioner. He is to be appointed by the President, by a committee consisting of the Prime Minister of India, the Leader of the Opposition and the Chief Justice of India. This committee will have to appoint a person as Chief Information Commissioner. Now, this 'Chief' is a deviation from the original Act. In the original Act, he was only a Central Information Officer. Now, we have three persons in the Central Information Commission – the Information Commissioner and two others to assist him. Their age is kept at 65 years as in the case of the Supreme Court Judge. These are some of the provisions which have been brought in the present Act by the amendment circulated now.

There is another aspect about which information is to be made public. We had a lengthy discussion and it is correctly provided in the amendment under clause 8 of the Bill. The following information shall be exempted from disclosure which would prejudicially affect the sovereignty and integrity of India; which has been expressly forbidden; which may result in a breach of privileges of Parliament or the Legislature; and also information pertaining to defence matters. They are listed in clause 8 from (a) to (g). There are exceptions to this clause. Where it is considered necessary that the information will be divulged in the interest of the State, that will be done. There must be transparency in public life. There must be transparency in administration and people must have a right to know what has actually transpired in the secretariat of the State as well as the Union Ministry. A citizen will have a right because it will be safe to prevent corruption. Many things are done behind the curtain. Many shoddy deals take place in the secretariats of the Central and State Governments and the information will always be kept hidden. Such practice should not be allowed in a democratic country like ours. Ours is a republic. The citizenry should have a right to know what transpired in the

secretariat. Even Cabinet papers, after a decision has been taken, must be divulged as per the provisions of this amendment. It cannot be hidden from the knowledge of others. It must be divulged. But before taking a final decision, the Cabinet papers can be kept secret. But what information is to be divulged and what should not be, is a matter to be decided by the Chief Information Commissioner. And if at all there is any dispute or if at all there is any complaint against the decision of the public information officer, that appeal will lie.

So, 'appeal' provision is also there in the Bill. These are the major changes that the Minister has brought forward by way of amendments in the original Bill which was introduced in this House in December, 2004, if I am correct. It is to be amended as 2005.

There are some limitations in the original Bill for informations which are exempt, because the officer can take a position that some particular information need not be divulged in public interest. That should not be the case. The public authority should not be the person to decide whether that particular information is to be divulged or not. This is to be decided according to the 'exempt' clause of the Bill. That alone will decide it and no officer can take his own decision whether any particular information is in public interest or not. So, it has been made clear.

People should get information at the earliest and no person will be allowed to refuse any information when it is applied for. For getting information, expenditure is also involved. For getting justice from the court, we will have to spend thousands of rupees; for getting information from a particular public authority, the expenditure must be made cheap. He should not be taxed. A person below poverty line should get the opportunity to get information without any stall and without even any remittance of fees. Otherwise, it becomes meaningless. So, when a poor man approaches the public authority for getting a particular information, that officer should furnish him the information and he should not insist upon any payment of fees for that purpose.

Furnishing of information need not be delayed. Information delayed is injustice, as 'justice delayed is justice denied'. That way, when we seek public information, it should be the bounden duty of the person concerned to furnish the information at the appropriate time in an appropriate manner.

But still I feel that there may come some difficulties with regard to the Central and State jurisdictions. There may come some difficulties when the States have already gone into the matter and if we delay it. Parliament is coming into the picture at a later stage. Some States have gone further ahead. So, there may come a time when there may be some disputes with regard to the federal structure of the Constitution and to decide whether it could

be construed as an encroachment of the States' rights – it is a matter to be decided only through experience and only through the implementation of this particular Statute.

There are two sectors – Central and State; there will be a Central Commission as well as a State Commission. The nature of appointment will be the same. The Committee for the State will be headed by the Leader of the Opposition in the State or in some cases the Chief Minister or the Governor or even the Chief Justice, whichever may be the case. There will be a Committee to appoint the Chief Information Officer in a particular State as well as in the Centre. Those provisions are there and if they are worked out properly, it will be a good thing for us.

After Independence, the Constitution came into being on 26th January 1950; till date, we have not given the fundamental right to information to the citizenry. Many things are done without their knowledge. They have a right to know. We are accountable to the people. The Government as well as the Parliament, as also everybody is accountable to people. It includes Judiciary also; and everybody is accountable to the people. They must know and they are entitled to know what actually is taking place in the governance of the country.

This Bill has been brought for that purpose. This ia a very noble attempt and this must be hailed by all sections of the community. This Bill must be passed even though the hon. Minister has committed a mistake as he did not care to circulate the Bill sufficiently early to allow the Members to study it and give valuable suggestions. That opportunity has been denied by the Minister by having circulated it only today. There was another attempt by the Finance Minister to move a Bill on Bihar VAT. He has made an attempt today to introduce that Bill. These are not parliamentary practices. The Opposition is not here. I have met them; and I cannot take things lightly. In the absence of the Opposition, I would urge the Government not to repeat such action. As a man of experience, both in the Assembly as well as in this House, I again request the Government not to repeat this practice hereafter and circulate all the amendments early. All these amendments should have been circulated sufficiently early and not today morning. Do not repeat such things. I support the Bill wholeheartedly.

उपाध्यक्ष महोदय : श्री रामजी लाल सुमन, क्या आप अपनी सीट पर हैं?

…(व्यवधान)

MR. DEPUTY-SPEAKER: He will have to first seek the permission of the Chair.

… (*Interruptions*)

उपाध्यक्ष महोदय : जब कोई सदस्य परमिशन लेगा, तभी सदस्य को परमिट करेंगे।

…(व्यवधान)

श्री शैलेन्द्र कुमार (चायल) : उपाध्यक्ष महोदय, श्री रामजी लाल सुमन की सीट से श्री राधाकृणन जी बोल रहे थे।…(व्यवधान)

श्री रामजीलाल सुमन (फ़िरोज़ाबाद) : उपाध्यक्ष महोदय, यह जो सूचना के अधिकार का…(व्यवधान)

MR. DEPUTY-SPEAKER: Shri Ramji Lal Suman, if you are not ready to speak just now, may I request some other Member to speak?

श्री रामजीलाल सुमन : उपाध्यक्ष महोदय, सूचना के अधिकार का जो बिल सरकार ने प्रस्तुत किया है, वह एक अच्छा प्रयास है। अभी श्री राधाकृणन जी ने कहा कि इस विधेयक में 147 संशोधन सरकार की ओर से हैं। माननीय मंत्री श्री सुरेश पचौरी जी यहां

बैठे हैं, बेहतर यह होता कि ये संशोधन परिचालित हो जाते तो इस पर सार्थक चर्चा हो सकती थी। लेकिन जो संशोधन सरकार की तरफ से थे, वे परिचालित नहीं हुए, मैं नहीं जानता कि वे संशोधन क्या हैं। यह ठीक प्रयास है लेकिन असली और बुनियादी स वाल यह है कि क्या सरकार इस बिल के माध्यम से किसी हद तक आम आदमी का भला कर पाएंगे? सूचना का अधिकार संि वधान प्रदत्त अधिकार है, देश के हर नागरिक को संविधान में यह अधिकार मिला हुआ है। र्वा 1996 में श्री इन्द्र कुमार गुजराल जी प्रधानमंत्री थे, उन्होंने कहा था कि लोगों को सूचना का अधिकार मिलना चाहिए। इसे अफसोस ही कहा जाएगा कि 55 र्वा बीत जाने के बाद भी हिंदुस्तान के आम आदमी को सूचना का अधिकार नहीं मिला । उसे जिन चीज़ों की जानकारी होनी चाहिए, जो सूचनाएं उसे मिलनी चाहिए, वे सूचनाएं उसे नहीं मिल पा रही हैं। जब श्री गुजराल जी ने यह बात कही तो प्रेस काउंसिल ऑफ इंडिया से मिलकर बिल का प्रारूप तैयार किया गया और बाद में एनडीए सरकार ने र्वा 2002 में इसे एक बिल की शक्ल दी। लेकिन वह बिल किसी भी कीमत पर आम आदमी की आवश्यकता को पूरा नहीं कर सकता था।

उपाध्यक्ष महोदय, ऐसा लगता है जिस मंशा से यह बिल पेश किया गया है, उससे भी यह मंशा पूरी होने वाली नहीं है। अहम स वाल यह है कि जो सशस्त्र बल है, उसे इस दायरे से अलग रखा गया है।

15.00 hrs.

उपाध्यक्ष महोदय, इस देश में हमारे पुलिस बल के काम करने के तरीके और उसके आचरण को आप भली-भांति जानते हैं। किसी भी बेगुनाह व्यक्ति को पकडकर, उसे थाने में रखना और उसे न बताना कि उसे किस कारण से पकड़ा गया है, उसका क्या गुनाह है? अगर उसके परिवारजनों को यह सूचना नहीं मिलेगी जिसका कि उसे प्राप्त करने का अधिकार है, निश्चित रूप से इस बिल का कोई मकसद नहीं रहेगा। मेरे कहने का मतलब है कि हमारे देश के पुलिस बल का जो कांम करने का तौर-तरीका है, उस पर अंकुश लगाये जाने की आवश्यकता और उसे सूचना के अधिकार की परिधि में लाना चाहिए।

उपाध्यक्ष महोदय, इस बिल के माध्यम से जिस अधिकारी को यह अधिकार दिया गया है कि वह सूचना दे या न दे, इसका सीधा मतलब यह होगा कि सारी ताकत नौकरशाहों के हाथ में चली जायेगी। उस कानून की व्याख्या वह करेगा जो किसी भी कीमत पर न्यायसंगत नहीं है। कोई व्यक्ति या कोई अधिकारी किसी प्रकार की सूचना नहीं दे रहा है, इसकी शिकायत सूचना आयुक्त के पास होगी लेकिन उसे दंड देने का अधिकार नहीं दिया गया है। इस एक्ट के मुताबिक मामला कोर्ट में जायेगा। बिल के माध्यम से मंत्री जी ने यह व्यवस्था की है कि सूचना आयुक्त को इत्तला दी जायेगी और फिर वह मामला न्यायालय के समक्ष जायेगा जिसका एक निश्चित अवधि में निपटारा कर दिया जायेंगा।

15.02 hrs. (Shri Varkala Radhakrishnan in the Chair)

सभापति महोदय, मैंने 7-8 दिन पहले एक सवाल उठाया था। इस देश में फास्ट ट्रेक कोर्ट्स काम कर रही हैं जिन्हें बंद कर दिया गया है। 11वें वित्त आयोग ने उसके लिये धन का प्रावधान किया था लेकिन 12वें वित्त आयोग ने कोई धन का प्रावधान नहीं किया है। आज की तारीख में ढाई करोड़ मुकदमें निचली अदालतों, हाईकोर्ट और सुप्रीम कोर्ट में विचाराधीन हैं। मुझे इस बात का संदेह है कि सूचना नहीं मिलने के बाद, सूचना आयुक्त, जिसे दंड देने का अधिकार नहीं है, वह मामला कोर्ट में जायेगा, क्या वह निश्चित अवधि में इस बात का निस्तारण कर पायेगा क्योंकि आज न्यायापालिका पर काफी बड़ा दबाव है। कोर्ट में इतने मामले ि वचाराधीन हैं कि जिनका निस्तारण हम लोग नहीं कर पाये हैं। सुप्रीम कोर्ट के विद्वान अधिवक्ता श्री प्रशान्त भूाण के मुताबिक इस कानून की परिधि में वहीं अधिकारी आयेंगे जो भारत सरकार के अधीन हैं। इसका सीधा मतलब यह हुआ कि जो स्थानीय निकाय हैं - जिला पंचायत, ग्राम पंचायत, प्रखंड - आम जनता की सर्वाधिक समस्यायें इन से जुड़ी हुई होती हैं, सूचना का अधिकार इन पर प्रभावी नहीं होगा। इसलिये, मैं बहुत ही विनम्रता के साथ कहना चाहूगा कि यह आधा-अधूरा कानून है। आम आदमी परेशान है, उसकी समस्यायें वही हैं यानी ग्राम पंचायत से जुड़ी हुई हैं। अगर उसे स्थानीय स्तर पर सूचना का अधिकार नहीं होगा, तो मैं समझता हूं कि इस बिल का मकसद पूरा नहीं हो सकता है। इसलिये, आज आवश्यकता इस बात की है कि हिन्दुस्तान के वे लोग, जिनकी रोजमर्रा की समस्यायें हैं, जिसे उसकी सूचना पाने का अधिकार है, इसकी कोई व्यवस्था इस बिल में नहीं की गई है। इसके अलावा सूचना दिये जाने का आधार भी स्पट नहीं है, उसकी परिभााा स्पट नहीं है। इसका मतलब यह हुआ कि अधिकारी अपनी सुविधानुसार व्याख्या करेगा, सूचना न देने का औचित्य. सिद्ध करेगा। इसलिये इन सब बातों को स्पट तौर पर सम्मिलित किया जाना चाहिये था।

सभापति महोदय, मैं अंत में इतना निवेदन और करना चाहूंगा कि आज सूचना की दौड़ में टी.वी. मोबाइल, इंटरनैट दुनिया में ग्लोबलाइज्ड हो गये हैं। मैं सरकार से जानना चाहता हूं कि देश के 80-85 प्रतिशत लोगों का टी.वी., इंटरनैट से क्या ताल्लुक है? आम आदमी के पास क्या सुविधा है जिसके आधार पर उसे आप सूचना देगें? उसने कभी इंटरनैट नहीं देखा, सूचना देने के अधिकार का आम आदमी से क्या रिश्ता है, य़ह सरकार को सुनिश्चित करना पड़ेगा। मैं समझता हूं कि आम आदमी सुविधाओं से वंचित है।

अंत में मैं विनम्रतापूर्वक निवेदन करना चाहता हूं कि इस देश में जो आम आदमी है, उस आम आदमी का संबंध इंटरनैट से नहीं है। वह आम आदमी यह जानना चाहता है कि फसल काटने के बाद जब वह बाजार जाता है तो उसे अपनी फसल के पूरे दाम क्यों नहीं मिलते हैं? वह यह जानना चाहता है कि जब उत्पादन लागत बढ़ रही है तो उसे उसके उत्पादों के सही दाम क्यों नहीं मिल रहे हैं? वह यह जानना चाहता है कि सब्सिडी पर जो बहस हो रही है और उसका हक छिनने की बात हो रही है, इसका औचित्य क्या है? वह यह जानना चाहता है कि देश में डीजल, पैट्रोल, खाद, बिजली और पानी के जो दाम बढ़ रहे हैं आखिर इन दामों को बढ़ाये जाने का औचित्य क्या है? इसलिए आपकी मार्फत इस सरकार से मेरा विनम्र आग्रह है कि जो बिल आप ला रहे हैं, इस बिल का केन्द्र बिन्दु आम आदमी होना चाहिए। इस बिल का केन्द्र बिन्दु हिन्दुस्तान का भूखा, प्यासा, बेबस और लाचार व्यक्ति होना चाहिए।

सभापति महोदय, आपने भी कहा और मैं भी दोहराना चाहता हूं कि सरकार ने खुद अपनी तरफ से इसमें 147 संशोधन प्रस्तुत किये हैं, आखिर ये संशोधन क्या हैं। न तो ये संशोधन परिचालित हुए हैं और न इनके बारे में कोई जानकारी है। जब तक इनके बारे में जानकारी नहीं होगी, तब तक इस सदन में कोई सार्थक बहस नहीं हो सकती। मुझे विश्वास है कि इसमें जो खामियां और कमियां हैं, उन कमियों को पूरा करने का काम किया जायेगा। असली हिन्दुस्तान गांव और गरीब से जाना जाता है और सूचना के अधिकार का उस समय तक कोई औचित्य नहीं है, जब तक इस बिल का रिश्ता गांव और गरीब से नहीं होगा। यही मुझे निवेदन करना था।

SHRI MILIND DEORA (MUMBAI-SOUTH): Sir, with your permission, I am speaking from a little ahead of my seat.

Sir, I rise, on behalf of the Congress and the UPA, to support, in my opinion, this very important Bill. The hon. Minister has rightly said in his speech that it is a watershed legislation. In one word if this Bill could be summed up, it is empowerment -- it is empowerment of one billion Indians to make them free; to allow them a great deal of autonomy, a great deal of transparency and more importantly, access to accountability, which, in my opinion, has not been there for many years in India.

The fundamental value of political science or politics, the reason we all are here as Members of Parliament, is to ensure delivery of justice. Justice is procedural in nature; justice is social in nature. This Bill will strengthen the process and delivery of procedural justice, which often precedes social justice.

Sir, this Bill is in accord with article 19 of the Indian Constitution which gives us the right to free speech, free expression and, as often interpreted by the Supreme Court, the right to receive and impart information. This is going to allow India to be at par with the best global practices and we will join the league of 43 countries like the United States, England and even Third World countries like South Africa.

As we enter the global arena, someone spoke about globalisation, someone spoke about internet telephony. This will actually thrust India into the global arena with much more confidence and better and improved systems. Max Weber, a major theorist of bureaucracy – a lot of people in the Left would know about his writings and works – wrote the following about bureaucracy and I quote:

> "Bureaucracy is a way of organising the activities of an institution so that it functions efficiently and impersonally for public good."

In my opinion, the Right to Information Bill, 2004 is the most significant example of the UPA Government's commitment to administrative reforms and to bureaucratic reforms to ensure, in keeping with the aims of Max Weber, that the bureaucracy functions efficiently and impersonally.

Sir, the late visionary Prime Minister Rajiv Gandhi two decades ago had spoken about 15 paise out of a rupee reaching the people for whom it was intended to. He was essentially talking about the problems, the inefficiencies and perhaps even the failures of the Government's delivery mechanism. Finally, I take great pride to say this, under the leadership of Shrimati Gandhi, the Chairperson of the National Advisory Council and Dr. Manmohan Singh, for the first time, the Central Government has taken up the initiative to strengthen these reforms – bureaucratic and administrative -- to ensure what the late Rajiv Gandhi spoke two decades in implementing and seeing that the delivery system is made much more accountable.

Sir, the hon. Finance Minister, in his Budget speech, spoke about his concern about outlays versus outcomes. This is a Bill which will help translate those outlays that are debated in Delhi for billions and billions of dollars or thousands and thousands of crores of rupees into outcomes. We may keep in mind that India is a country where we spend Rs. 40,000 crore per year on poverty alleviation programme and yet, we have 300 million people living below the poverty line. This clearly means that something is wrong with the implementation or that something is wrong with the delivery mechanism. In my opinion, this Bill can be a solution for that.

This Bill is also a manifestation of the transparent nature of India's current leadership and to enact such a bold and audacious piece of legislation, the Government of the day must be confident in its integrity and must be committed to public service. In my opinion, this is one of the reasons why the NDA Government did not see the Freedom of Information Act, 2002 through. After the Freedom of Information Act, the Bill was tabled in Parliament in 2000 and it was with the Select Committee for two years. In 2002, the Supreme Court had realised and had given a judgement saying that right to receive and impart information is also a fundamental right. Only after the Supreme Court or only after the Judiciary intervened, the NDA Government did see the Bill through in December, 2002. But after it was signed by the President of India and made into a law, from 2002 to 2004 when they lost power, they did not declare it in the Government's official Gazette for two full years and hence it remained an Act or a law only on paper. It was a victim of bureaucratic red-tapism. However, the UPA Government, upon insistence of the Chairperson, Shrimati Gandhi, the National Advisory Council, made a definite time frame of 120 days to see that the Bill is through.

More importantly, the difference between the NDA and the UPA is, they saw it as freedom of information and we see as right to information. We see it as a fundamental right and not as freedom of information.

There are many benefits that people can utilize this Bill for. Of course, the rules are based on the Government's decisions. From crime rate, food safety, details of benefits like senior citizens grants to the criteria upon which a job application was rejected or even how much money was spent in a particular constituency are certain things on which citizens of India will have information available at their finger tips. And this Bill is the key to empowerment.

I also believe that it is going to unleash a new era of objectivity and accuracy into the system and it would not leave any room for irresponsible news channel and perhaps even a politician. Anyone who relies on sensational statement with little credibility and substance will find no place in this Bill. This will allow us to be better informed and take better decisions. Recently, even the Supreme Court, in the form of an annual report just like the companies do, published some statistics pertaining to the number of cases disposed and number of cases pending. So, they also want to join the Government in the process of making all these things transparent.

There is a similar analogy to this. Just as shareholders of a public company demand more accountability from the management who they pay, the Indian taxpayer who is the stakeholder in the Indian Government demands more accountability and transparency from his Government. In 2003 alone, 3.2 million requests were made in the US from their right to information counterpart. There are several reports which have proved that the US's right to information counterpart has actually increased their productivity in nation, has brought down the cost of Government and the cost of doing business.

Similarly, in India, what we are enacting today will go a long way in ensuring that openness and transparency in our system will bring down implementation cost and eventually bring down the cost of the Government which will lead to better quality of governance in the system.

There are many fundamental differences between the Freedom of Information Act, 2002 and the RTI Bill. I think it would be unjust and unfair to compare them. But I would say something to perhaps allay the fear raised by you, Sir, in your speech, you initiated the debate on how do we create this Commission. This Bill aims to create an independent Commission similar to that of the Election Commission. The Chief Justice will no longer make decisions. The decision to elect the National Information Commissioner will be made by the President of India upon the advice of the Prime Minister, the Leader of Opposition, Lok Sabha and the Minister nominated by the Prime Minister of India.

This will go a long way in ensuring that it remains bi-partisan and clear of any kind of political interference.

MR. CHAIRMAN : Chief Justice is mentioned. But the Chief Justice is one of the three members.

… (*Interruptions*)

SHRI MILIND DEORA : The amendments on which you had a concern, were not given in time.

Similarly, the Bill aims to hold the officers who are in charge of making information public much more accountable. If the information is not furnished within 30 days, the applicant will not have to pay a single paisa to receive the information. … (*Interruptions*)

MR. CHAIRMAN: Persons below the poverty line need not pay.

SHRI MILIND DEORA : That has also been included. I am coming to that.

MR. CHAIRMAN: I have also mentioned about that.

SHRI MILIND DEORA : That is very important. Sir, I represent you on this side. The annual reports will be tabled in Parliament explaining as to how much information was received, how many cases are pending, why was not the information given out, etc. This will allow the MPs to scrutinize it. If the MPs can scrutinize it, who are the representative of the people, the public will get to scrutinize how this Information Commissioner is functioning. So, the Government also is committed to spreading the awareness, to advancing public understanding of the Bill because that will lead to empowerment. So, their aim is to conduct educational programmes, especially in backward areas.

Sir, at the outset, the Standing Committee that you mentioned and that you are a Member of the Standing Committee, I congratulate you and all the Members for the Committee's report. It is a very progressive report. A lot of your progressive suggestions have come out in the report, many of which have been implemented by the Government.

Sir, one such issue was expressed by another Member, and for which I quote the Committee's report. It says:

> Sub-clause 'C' of Clause 2 should be amended "in such a manner as may bring the States and local bodies or authorities under its purview."

Sir, in the amendment, now State local bodies along with Central public authorities have been made available to provide information to the public. By doing this, we are essentially only codifying the citizens' fundamental right to information. There is one point that I would like to add over here. The Congress Party, under Mrs. Gandhi's leadership, has taken a very determined stand on this issue. Today, nine States have passed the Right to Information legislation. Most of those States have enacted this Right to Information legislation under the Congress Government. We in the UPA believe in transparency; we believe in increased devolution; and we believe in susidiarity. The Panchayati Raj Ministry has recently been set up. It aims to increase susidiarity in the country. More importantly, we believe in redirecting our focus towards the implementation authorities. This is what will answer Shri Rajiv's concern about 15 paisa reaching the people out of Re. 1 and 85 paisa getting lost somewhere along the way. Sir, you had expressed a concern about different Acts. For example, what will happen to the State Act and to the Central Act? I am sure, the Minister will elaborate on that. But, who knows that eventually the State Acts could be merged into one. Perhaps, there could be one all-India Act which covers every Department in the country. So, this Bill is very progressive. It aims to take every Department in the country into account.

I have some suggestions for the Minister and the Government. Although this Bill is very positive in the interest of our democracy, there are some ways to make it even more globally competitive and even more progressive. For example, take the Preamble. To touch upon the Standing Committee's observation about the Preamble, the Standing Committee quoted :

> "That the Preamble does not explain the democratic ideals which the Bill seeks to enforce. "

I would not like to quote the report of the Standing Committee, but they have taken this into consideration. They have ensured in the Preamble that it talks about transparency being the fundamental right of the citizenry. It talks about how this will strengthen the democracy. I congratulate the Government for that.

However, Maharashtra's Right to Information Act is very progressive in this area, because in this Right to Information Act – if I may quote it – the Preamble to the Act clearly talks about the right to information being a fundamental right under article 19 of the Constitution of India. It says:

> "…whereas the Right to Information has been recognized by the Supreme Court as a part of the fundamental right guaranteed to the citizens under article 19 of the Constitution of India, if something like this could be added into the Preamble, perhaps this would go a long way. If ever this Bill once gets the presidential consent and becomes a law, if it is ever to be debated for a lacuna, the Preamble will take precedence as far as the interpretation goes."

This will strengthen the Bill.

Now, I come to the issue of third parties. It provides that the third parties will have to give consent before disclosing the information.

Sub-clause (1) of the amendment does state this. I quote:

> "…disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interest of such third party. "

Although this has been included, although the interests of the public are kept before those of the third parties, yet there is a debate within the intellectual circles outside of Parliament and those concerned with it that this third party clause might damage the Bill slightly.

Here, I would like to give two or three examples of this. In Mumbai, where I come from, we have an activist by the name Shri Shailesh Gandhi who regularly uses the Maharashtra Right to Information Act to dig out statistics and information pertaining to the BMC, the local Municipal Corporation, their lease agreements with several third parties. He regularly uses the Right to Information Act to find out information from the Collector and their lease agreements with several parties. Now, if he were to wait for the third parties' consent, whether it is in ten days or many days, he would have to wait for hundreds of third parties to come in and consent. Only then the third party information will be available.

In a similar example, if a road contract were to be given to a contractor, if we really want to understand the criteria upon which the contract was given to a particular party, the information will only be allowed if the third party gives his consent. It might not expose certain vested interests. In Canada, for example, the biggest users of the Right to Information are companies. I think, 41 per cent of the users of Canada's right to information counterpart are companies. They regularly use this piece of legislation to expose corruption, to expose how another competitor of theirs got the contract from the Government. So, the importance lies in not who is asking the question, whether it is the Government, the public or the media but the importance lies in information and the answers we get

from the Government. Therefore, in my opinion, allowing the third party information to be more readily available will actually deter people and companies from any wrong-doings whatsoever.

As per the experience of the nine States that already have a Right to Information legislation, I am sure, we can consult them. But I do not think there have been any cases where third parties have been affected or where there has been a witch-hunt against the third parties because there are enough safeguards for individual's privacy in this Bill. If the Government does intend to have this third party clause, if it is not to be excluded, I would perhaps propose that we may create some sort of a mechanism, something like an eminent persons' group in which each area could determine if the public interest is greater or if the damage to the third party is greater.

In terms of penalties, I think the Government needs to be congratulated for doing a fantastic job of creating bold and very effective deterrence in place which will not even allow the process of imposing penalties to be escalated. By imposing a fine of Rs.250 per day on a Public Information Officer, Central or State - the Minister has just spoken about that - for every day's delay in providing information, in my opinion, is a great deterrent. The penalty that the Central or the State Information Commission will impose on the officer.

> "…allows him a reasonable opportunity of being heard prior to the Central/State Information Commissioner imposing any penalty upon him or her. "

So, we are also safeguarding the interest of the Public Information Officer concerned. The Maharashtra Right to Information Act has this clause of Rs.250 as fine. The Standing Committee has also observed that. It has acted as a very successful deterrent in my State. After all, you cannot empower the people of India without empowering the Information Commission. The Government has taken a very conscious, a very acceptable and a welcome decision of empowering the Information Commission by allowing justice first to reside within the Commission and then go out in the public realm – whether it is the court or judicial magistrate. There are enough and innumerable delays that could cause delays. As you said, justice delayed is justice denied. I am quoting you.

Also, the amount of penalty if an officer is found guilty for persistent default in providing information within the time prescribed, providing incomplete or incorrect information, for refusing to accept an application for information, the fine would be between Rs.2000 and Rs.25000. In my opinion, I am almost hundred per cent certain that we will never reach a stage where the officer will be charged Rs.25,000. The amount of Rs.250 as penalty, and if we go by the Maharashtra example, will automatically make sure that people disclose information on time.

I will now make very few suggestions very quickly. To increase the awareness of the Right to Information Bill, as I said, the Government is committed to conducting educational programmes in the backward areas.

I have a few examples to give, which I think would go a long way in allowing the people, especially, the poor to access this. I would like to come back to my State for the first example. The Maharashtra Government has included Right to Information in its civic syllabus for 6th, 7th and 8th standard. It is the first State to include the Right to Information in academics. I think if we could do

this in the Centre, this would actually create quite a revolution of sorts. It would actually empower students from an early age and once they are mature enough to understand how to use it optimally, they can use this. Similarly, in my opinion, the Information and Broadcasting Ministry has a very important role to play through Doordarshan, perhaps, by conducting shows on Right to Information. I do not think there is any reason, why if we have an ambassador for polio or for AIDS, the Government cannot have an Ambassador for Right to Information. Similarly, the Panchayati Raj Ministry, whose entire aim and whose entire objective is to increase devolution, perhaps, could work with RTI activists and allow them to proliferate the message and the value of this important legislation.

Lastly, coming to awareness, I think that it has been provided in the amendments that a website in the form of FAQ – Frequently Asked Questions database should be there. It would allow any information, that has been disclosed, to be made public. This would save the Government's time. So, if there is any request for information, it is similar to the one already received, it would save the Government's time in disclosing that information, searching for it, giving it to the public.

My last suggestion to the Government is keeping in mind that around 60 per cent of Indians live on less than Rs. 100 a day. I am very grateful to the Government for ensuring that people below the poverty line will have access to information free of cost and will not have to pay one single paise to access any information from the Government. This is the concern expressed by you, Sir. We must make sure that Government has said, it will be suitably priced but the Government cannot make money out of providing information to the people, that rightfully belongs to them. I come back for the last time to Maharashtra where the cost of application is Rs. 10 and information is provided at the rate of 50 paise to Rs. 2 per page. If we want people to truly use this important piece of legislation, it must be cost effective. For those who have a concern that this will lead to more cost for the Government, that the officers in-charge of giving information will spend all the time on disclosing information, searching for that information rather than doing the job they are entitled to do, we must keep in mind the examples of other countries. Once the use of this Bill matures, it will actually bring down the cost of Government. This is not a cost increase for the Government. This is going to reduce the cost of the Government, this is going to reduce implementation cost and this is going to ensure that quality service is given to the people of India.

To sum up, I would like to quote one thing. I believe it was Woodrow Wilson, the former President of United States who said, "No matter who we vote for, the Government always gets in". The point I am making is that we as Members of Parliament over here today, we are part of the transitory Government. This Bill, this piece of legislation, it has one fundamental objective of holding both the transitory Government, as well as, the permanent Government, the politicians, as well as, the bureaucracy much more accountable. So, I agree with what you said earlier that we are really debating something as immense as, perhaps, the Constitution of India. A Bill that has the power to completely transform India from an indirect representative democracy to a direct participatory one, where people are much more involved in the decision making process.

It is very shameful it hurts me as a young and first time Member of Parliament, that the NDA is not participating in this mammoth and very important piece of legislation, simply with the excuse that the UPA Government is not inviting them to the House or the UPA Government does not want them in the House. They must realise that it is not us, who determine whether they should be in the House

or not. It is their constituents, their voters who have voted for them and they are the ones who are demanding that they should behave like a responsible Opposition.

Sir, with that I thank you for your time, I thank the Chairperson of NAC , Mrs. Sonia Gandhi and I thank the Government for really piloting this Bill very passionately and ensuring that it gets more teeth. This will ensure that our democracy is strengthened. I thank the Government for allowing me to initiate this on their behalf.

श्री आलोक कुमार मेहता (समस्तीपुर) : सभापति महोदय, आपने मुझे सूचना का अधिकार विधेयक पर बोलने के लिए समय दिया, इसके लिए मैं आपका आभारी हूं। यह बहुत ही महत्वपूर्ण विाय है। प्रजातान्त्रिक मूल्यों पर आधारित इस महत्वपूर्ण विाय पर ि वस्तृत चर्चा की आवश्यकता है।

मै समझता हूं कि इनकी सूचना पर लम्बे समय से जो व्यावहारिक रूप से किसी न किसी ढंग से अंकुश लगाए जाते रहे हैं, उनकी आड़ में इस देश में बहुत सी गड़बड़ियां होती रही हैं, जिनके पिछले दिनों कुछ नकारात्मक परिणाम भी देखने को मिले। हम गोपनीयता और पर्दे का हवाला देकर भ्रटाचार और अनैतिकता को लम्बे समय से पनपने का मौका देते रहे हैं। इंस्टीट्यूशन्स बनाए गए। उनके द्वारा प्रतिपादित जो कार्य रहे हैं, कहीं पर उनकी कार्य करने की पद्धति की गोपनीयता है। गोपनीयता की आड़ में जो गड़बड़ियां की जाती रही हैं, मैं आशा करता हूं कि इस संशोधन में इस बात का पूरा ख्याल रखा जाएगा कि आम जनता के लिए डैमोक्रेटिक प्रोसैस में जो भी विधियां हैं, उनको पारदर्शी बनाकर इस्तेमाल किया जा सकेगा। स्वीडन में लगभग दो सौ साल से भी पहले से इस तरह की विधियां लागू की गई हैं और उनके बहुत अच्छे परिणाम सामने आए हैं। मैं समझता हूं कि भारतीय संविधान के अनुच्छेद 19 में मौलिक अधिकारों में पहले से जो सूचना का अधिकार हमें प्राप्त है, यह उसी तरह की स्थिति है जैसे संविधान में लम्बे समय से सामाजिक न्याय और आरक्षण का अधिकार प्राप्त है। लेकिन व्यावहारिक स्तर पर जिस तरह पूरे देश में विभिन्न तरह की विसंगतियां रही हैं, उसी तरह की स्थिति सूचना के अधिकार में हमें देखने को मिलती है।

मैं कुछ बिन्दुओं की ओर आपका ध्यान आकृट करना चाहता हूं। कौन्सटीट्यूशनल बॉडी के अंदर जो कुछ आता है, यदि उससे संबंधित सूचना या कोई शक-ओ-शुबह हो तो उन बातों को जानने का कितना अधिकार आम जनता को है, इस बात को भी हम माननीय मंत्री जी से जानना चाहेंगे। हम कहना चाहते हैं कि सूचना और सूचना पर आधारित पारदर्शिता यदि कौन्सटीट्यूशनल बॉडी में नहीं रहेगी तो आने वाले दिनों में उस बॉडी की विश्वसनीयता और डिगनिटी खतरे में पड़ जाएगी। हम चाहते हैं कि सरकार इन बातों को बहुत गंभीरता से ले और इस संशोधन में एक संशोधन यह भी जोड़ा जाए कि कौन्सटीट्यूशनल बॉडी में यदि इस तरह की बातें होती हैं, तो उन बातों का स्पटीकरण पूरी तरह से आम जनता, गांव के गरीब लोगों या उससे लाभान्वित लोगों तक पहुंचाना चाहिए। इस बात को एश्योर किए जाने की आवश्यकता है। गोपनीयता की आड़ में भ्रटाचार और अनैतिकता के व्या वाहरिक उदाहरण बहुत सी जगहों पर हैं।

चाहे कांस्टीट्यूशनल बॉडी हो, या कुछ और हो, वह सारी जगह उसमें पलता रहा। मैं बताना चाहूंगा कि जब श्री जार्ज फर्नान्डीज रक्षा मंत्री थे, उस समय तहलका कांड हुआ तो गोपनीयता के नाम पर बहुत सारी चीजें कर दी गयीं, काफी नारे आदि दिये गये । यह सब गोपनीयता के पर्दे और गोपनीयता की आड़ में हुआ । मैं कहना चाहता हूं कि तहलका कांड पूरी तरह से सूचना के अधिकार को इम्प्लीमैंट और सही ढंग से लागू नहीं करने का नतीजा था। इसलिए इन्फोर्मेशन के प्रोसैस को सार्वजनिक करने का तरीका सार्थक होना चाहिए।

मैं माननीय सासंद श्री रामजी लाल सुमन के कुछ विचारों से बिल्कुल सहमत हूं कि गरीब जनता यानी गरीबी रेखा से नीचे रहने वाले लोग हैं, उनके लिए शुल्क बिल्कुल नहीं होना चाहिए। यह शुल्क बिजनेस और व्यापार से संबंधित लोगों पर लागू किया जाये। जनता के मौलिक अधिकारों से संबंधित सूचना प्राप्त करने के संदर्भ में किसी तरह का शुल्क इम्पोज नहीं किया जाना चाहिए। इस देश में मानवाधिकार के बहुत सारे मुद्दे उठाये जाते हैं। मानवाधिकार से संबंधित बहुत ज्यादा केसेज हैं। हमारा जो वेल्यू सिस्टम है, जो मूल्य हैं, वे गांधी, लोहिया और नेहरू जी के सिद्धांतों पर आधारित हैं। हम उन मूल्यों पर चलने का दावा करते हैं, लेकिन मान वाधिकारों का जो उल्लंघन होता रहा है, उसकी बैकग्राउंड में सूचना के अधिकार को पूरी तरह इम्प्लीमैंट नहीं करना रहा है। अब थाने में क्या होता है, जमीनी स्तर पर क्या कार्रवाइयां होती हैं, व्यावाहिरक रूप से सूचना के अधिकार का पूरी तरह से इम्प्लीमैंट नहीं करने का नतीजा दिखता है। हर जगह मानवाधिकार आयोग में एप्लीकेशन्स पड़ी हुई हैं। जो लोग कन्सेन्सस में हैं, उन्होंने वहां एप्लीकेशन डाल दी और जो कन्सेन्सस में नहीं हैं, वे दम घोंटकर उसी जगह पर रहते हैं और उनका अत्याचार सहते हैं।

इसलिए मेरा कहना है कि गृह विभाग को विशो रूप से इन बातों पर ध्यान देने की जरूरत है। इसके साथ-साथ इनके सिस्टम में बदलाव होना चाहिए, क्लैरिटी होनी चाहिए। इसी तरह पुलिस के डंडे जो गरीबों पर बरसते हैं, उन पर कंट्रोल और बैलेंस करने की जरूरत है। जब गरीब लोगों को सूचना का अधिकार पूरी तरह से मिलेगा, तो मैं समझता हूं कि कुछ वे लोग कंट्रोल करेंगे और कुछ जनता उनको कंट्रोल करेगी।

मैं माननीय मंत्री महोदय को इस विधेयक को लाने के लिए धन्यवाद देना चाहता हूं। मैं यूपीए सरकार की भूरि-भूरि प्रशंसा करता हूं कि उन्होंने इस क्षेत्र में महत्ती कदम उठाया। सूचना का अधिकार, जो विपक्ष का मुद्दा होना चाहिए, वे लोग आज यहां से गायब हैं, हमारी यूपीए सरकार ने इसको यहां रखने की हिम्मत की। अक्सर सरकारें सूचना के अधिकार को लागू नहीं करना चाहतीं क्योंकि उनकी नीयत साफ नहीं होती। लेकिन इससे स्पट होता है कि यूपीए सरकार की नीयत साफ है और वह सूचना के अधिकार को अपने शासन काल में ही लागू करना चाहती है।

इस संशोधन विधेयक का समर्थन करते हुए मैं अपनी बात समाप्त करता हूं।

श्री सचिन पायलट (दौसा) : सभापति महोदय, सबसे पहले मैं सरकार को बधाई देना चाहता हूं कि वह एक बहुत महत्वपूर्ण ि वधेयक आज लोक सभा में लेकर आयी है। जैसे पहले वक्ताओं ने बोला, मैं समझता हूं कि यह विधेयक एक प्रकार की क्रान्ति पूरे देश और समाज में लाने की क्षमता रखता है। इस प्रकार के विधेयक--राइट टू इन्फोर्मेशन, दुनिया भर के लगभग 25 देशों में लागू है। पिछली सरकार ने 25 जुलाई, 2000 को लोक सभा में फ्रीडम ऑफ इन्फोर्मेशन का बिल पेश किया था।

बिल पारित भी हुआ, महामहिम राट्रपति जी ने उसे अपनी स्वीकृति भी दी लेकिन सरकार उसे नोटिफाई नहीं कर सकी। लेकिन यह यू.पी.ए. सरकार जो बिल लेकर आई है, इसमें प्रावधान है कि 120 दिन के अंदर-अंदर बिल लागू होगा और इस बिल का फायदा इस देश की आम जनता उठा सकेगी। इस बिल के माध्यम से एक बात बिल्कुल स्पट है कि इस गठबंधन, इस यू.पी.ए. सरकार, हमारी पार्टी और हमारे नेताओं की मंशा, नीति और नीयत बिल्कुल साफ है कि किस प्रकार से इस देश के प्रशासन में, इस देश की राजनीति में, पारदर्शिता का माहौल कायम किया जा सके और मुझे यह कहते हुए फक्र है कि हमारी सरकार एक साल पूरा होने से पहले ही इतना महत्वपूर्ण बिल लेकर इस सदन में आई है।

हम चाहते हैं कि इस देश का आम गरीब आदमी, किसान वर्ग और दूर-दराज के इलाकों में जो लोग रहते हैं, उनके पास यह शक्ति होनी चाहिए कि वे अफसरों, प्रशासन के अधिकारियों से प्रश्न पूछ सकें। उनमें इस बात की क्षमता हो कि वे अपने अधिकारों के माध्यम से जान सकें कि उनके हित के लिए कितनी नीतियां बनाई गई हैं, कितना पैसा खर्च किया गया है, क्या-क्या योजनाएं बनाई गई हैं और वह पैसा किस प्रकार से खर्च हो रहा है तथा वे योजनाएं किस प्रकार से लागू हो रही हैं। इस बिल के माध्यम से सरकार बताना चाहती है कि हम लोगों की जिम्मेदारी बनती है कि जो भी सूचना आम जनता हमसे जानना चाहती है, हम लोगों को, सरकार के अफसरों को, प्रशासन के अधिकारियों को वह सूचना 'सुमोटो' अपने आप पूरे देश में प्रचलित करनी होगी। इस एक्ट का प्रयोग भी होना चाहिए, इस बात की जिम्मेदारी भी हमारी है। हमारे आदरणीय प्रधान मंत्री जी ने, हमारी कांग्रेस अध्यक्षा और हमारे यू.पी.ए. की चेयर पर्सन सोनिया गांधी जी ने कई बार इस बात को महत्व देते हुए कहा है तथा आज से नहीं, कई वर्ों से हम ऐसा बोलते आ रहे हैं। इस पार्टी और इस यू.पी.ए. सरकार की अगर प्रतिबद्धता है, अगर हमारी धारणा, हमारी सोच और हमारी मानसिकता है तो इस देश के गरीब और किसान-वर्ग के लिए है कि कैसे हम उन लोगों को सशक्त बना सकते हैं। हमारा समय इस बात में बीतता है और हम इस सरकार को कैसे पारदर्शक बना सकें और इस सरकार की जवाबदेही और जिम्मेदारी पूरे देश भर के अफसरों के साथ हम बांट सकें। हमारे संविधान के आर्टिकल 19 को मैं पढ़कर बताना चाहता हूं :- "The freedom of speech and expression to implicitly include the right to receive and impart information." यह जानकारी बहुत महत्वपूर्ण है और इस बिल पर बहुत सोच-विचारकर, इसमें जो महत्वपूर्ण अमेंडमेंट लाये गये हैं, उनको देखकर यह बात स्पट होती है कि सरकार और हमारी पार्टी और इस गठबंधन का एक ही लक्ष्य है कि जो भी जानकारी लोग जानना चाहते हैं, जो जानकारी सरकार दे सकती है, वह जानकारी केवल वह सरकार दे सकती है जिसका मन साफ हो। अगर हमें कुछ छिपाना हो, कुछ राज-रहस्य रखने हों और अपनी कार्य-शैली में पारदर्शिता न लानी हो तो इस विधेयक को लाने की हिम्मत ऐसी सरकार नहीं कर सकती थी लेकिन इस सरकार में इतनी हिम्मत है कि वह इतना मजबूत बिल लेकर आई है और हम चाहते हैं कि लोग प्रश्न पूछें। हमसे नौजवान लोग पूछते हैं कि सरकार की कार्य-प्रणाली, गवर्नमेंट की फंक्शनिंग में हम नौज वान लोग कैसे भागीदार हो सकते हैं, इस देश की आम जनता कैसे भागीदार हो सकती है और मेरे पूर्व वक्ता, कांग्रेस पार्टी के वक्ता ने बिल्कुल ठीक कहा कि जब लोग सवाल पूछेंगे, अपने अधिकारों की मांग कर सकेंगे और उनके रोजमर्रा के जीवन की जो दिक्कतें हैं, कठिनाइयां हैं, उनका निराकरण किन नीतियों और किन कार्यक्रमों के आधार पर हो रहा है तथा उन अफसरों चाहे

छोटे हों या बड़े हों, देश भर में उनको यह जानने का अधिकार है और उनको ऐसी शक्ति प्रदान करने का काम हमारी सरकार कर रही है। मुझे यह कहते हुए बहुत फक्र है और मैं चाहता हूं कि पूरा सदन मिलकर इस देश को संदेश भेजे कि हम लोग जो पूरे देश के प्रतिनिधि हैं और जो इस देश की सबसे बड़ी पंचायत में हम यहां बैठे हैं, हम इस बात को अपने मन में लेकर बैठे हैं कि इस देश के गरीब आदमी को हमें अधिकार देने हैं और इतना बहुत महत्वपूर्ण बिल लेकर यह यू.पी.ए. सरकार इस सदन में आई है।

जो अभी पहले कहा जा रहा था कि जो गरीब इंसान है, उसको जानकारी प्राप्त करने के लिए अपनी जेब से पैसा खर्च करना पड़ेगा और इस कारण से वह जानकारी लेने के लिए नहीं जाएगा। लेकिन इसमें प्रावधान है कि जो गरीबी रेखा से नीचे रहने वाले लोग हैं, जो परिवार हैं, उनको मुफ्त में यह जानकारी उपलब्ध कराई जाएगी। यह भी इस विधेयक का बहुत महत्वपूर्ण हिस्सा है। जिस प्रकार से अफसरों पर इस बात का प्रतिबंध लगाया गया है कि अगर वे अपने आप सूचना नहीं देंगे तो 250 रुपये प्रतिदिन उस अफसर को अपनी जेब से जुर्माना देना पड़ेगा और यह इस विधेयक का बहुत महत्वपूर्ण कदम है।

हमारे देश में सरकारें आती हैं और चली जाती हैं, लेकिन हमारी जो प्रशासनिक व्यवस्था है, उसमें अफसरशाही से काम करने वाले पदाधिकारियों पर यह दबाव बनेगा कि जनता के सामने अपने कामों को लेकर आएं और अगर कहीं पर कोई कमियाँ, खामियाँ या गड़बड़ियाँ पाई जाएं तो उनको देश के सामने लेकर आएं। इससे अफसरशाहों पर दबाव बनेगा। मैं समझता हूँ कि यह काम सिर्फ किसी सरकार का नहीं है, पूरे देश में पारदर्शिता लाने के लिए सरकार और समाज, दोनों को मिलकर काम करना चाहिए। इस बिल के माध्यम से हम लोगों को शक्ति देंगे लेकिन एक समन्वय के साथ। सभी सरकारों - केन्द्र सरकार और राज्य सरकार और खासकर समाज के लोगों की इसमें भागीदारी होगी और समझदारी से इस बिल का उपयोग किया जाना चाहिए। महोदय, मैं आपकी अनुमति से यहाँ एक उदाहरण देना चाहता हूँ। नन्हू नाम का एक व्यक्ति जो पूर्वी दिल्ली में रहता है, जनवरी, 2004 में उसका राशन कार्ड खो गया था। वह गरीबी रेखा से नीचे जीवनयापन करने वाला व्यक्ति है। सरकार का कानून है कि यदि का राशन कार्ड खो जाए तो उसे 15 दिन के अन्दर नया राशन कार्ड बना कर दिया जाएगा। लेकिन उस गरीब फटे पुराने कपड़ों वाले आदमी को दर दर की ठोकरें खाते-खाते तीन माह बीत गए, किसी ने उसकी बात नहीं सुनी। उसने राइट टू इन्फार्मेशन के लिए एप्लाई किया और यह जानकारी मांगी कि कौन अधिकारी है और इस काम में अब तक कितनी प्रगति हुई है। मैं आपको बताना चाहता हूँ कि चौथे दिन ही फूड इन्सपेक्टर उस व्यक्ति के घर आया और नन्हू को राशन कार्ड देते हुए बोला कि हमसे जो विलम्ब हुआ है, उसके लिए माफ कर दीजिए, आगे से ऐसा नहीं होगा। यह तब होता है जब अफसरों पर, नेताओं पर, मन्त्रियों पर और पूरे प्रशासन पर दबाव बना रहता है। यह एक बहुत ही महत्वपूर्ण बिल है।

महोदय, मेरी ओर से सरकार को यह सुझाव है कि इस बिल से सम्बन्धित जो संशोधन प्रस्ताव लाए गए हैं जिनके माध्यम से क्लॉज 8 में कुछ कैटेगरीज को इस बिल के एम्बिट से बाहर रखा गया है जैसे सब-क्लॉज 8(ए) और (आई) । मैं चाहता हूँ कि सब-क्लॉज 8(सी), जिसमें ऐसे मामलों से सम्बन्धित प्रावधान है जिनके विाय में संसद और राज्य विधानमण्डल अपने विशोाधिकार का दावा करते हैं, को भी इसकी एम्बिट से बाहर रखा जाए।

मेरा दूसरा सुझाव यह है कि यह राइट टू इन्फार्मेशन का अधिकार भारत के केवल जन्मजात नागरिकों को ही उपलब्ध होना चाहिए। कोई भी सिटिजेन जो इस देश का निवासी है, जिसके पास भारत का पासपोर्ट हो, जो भारतीय हो, उसे ही यह अधिकार मिलना चाहिए। ऐसे लोग जो इस देश से बाहर पैदा हुए, जो इंग्लैंड, अमरीका, कनाडा या दूसरे देशों से आए हैं, उन्हें यह अधिकार नहीं दिया जाना चाहिए कि वे यहाँ आकर इस कानून के माध्यम से हमारी जानकारी प्राप्त करके उसका दुरूपयोग करें। इसलिए मेरा निवेदन है कि सरकार इस पर गौर करे।

महोदय, हमारी पार्टी और सरकार का यह वायदा था कि हमें गरीबों का साथ देना है और इस देश के लाखों-करोड़ों लोगों की आंकांक्षाओं और अपेक्षाओं पर खरा उतरना है। इस बिल के माध्यम से पूरा देश और दुनिया आज यह देख रही है कि हमारी कथनी और करनी तथा नीति और नीयत में कोई अन्तर नहीं है। आज मुझे अफसोस है कि विपक्ष के हमारे काबिल दोस्त सदन में मौजूद नहीं हैं। उन्होंने भी इस बिल को लाने की कोशिश की थी, लेकिन पता नहीं किन कारणों ने उन्हें विवश कर दिया कि राट्रपति महोदय द्वारा स्वीकृत किए जाने के बाद भी वे इसे नोटीफाई नहीं कर सके। हमारे काबिल दोस्तों से जो यहाँ मौजूद नहीं हैं, एक ही निवेदन है कि

" सिलसिले तोड़ गए वे सभी जाते-जाते, यह मुमकिन न होता अगर वे आते रहते "

विपक्ष के मेरे दोस्तों से मेरी अपील है कि वे इस बिल को अपना समर्थन दें। इसके साथ ही मैं हमारी आदरणीय अध्यक्षा श्रीमती सोनिया गांधी जी और सरकार को धन्यवाद देना चाहता हूँ। सभापति महोदय, मैं आपको भी धन्यवाद देना चाहता हूँ कि आपने मुझे बोलने का अवसर दिया।

SHRI SURAVARAM SUDHAKAR REDDY (NALGONDA): Mr. Chairman, Sir, I congratulate the Government for bringing a very revolutionary Bill on the right to information, which will bring a lot of changes in our democracy. Information is the oxygen to democracy, and the functioning of democracy is very much dependent on the information availability in our country.

In fact, it is too late a Bill, but better late than never. After 58 years of Independence, we are bringing this Bill because all these years we were continuing under the British colonial legacy that the information was limited to the Government and the officials alone. Now, we have come to realise that the information is for the citizens of this country.

These new amendments, which have been brought with the advice of the National Advisory Council, have got very good proposals which are strengthening the right to information. I congratulate the Committee and I congratulate the Government for accepting the very important changes in the right to information Bill. Compared to the previous Bill, this is really useful.

I would like to mention two or three important things in this regard. I agree with the Chairman’s observation that the concurrence of the different States is also necessary to bring such a Bill because according to clause 14A, which is a new addition, it makes the States obligatory to bring the Information Bill in every State. It is very much useful, very much necessary but at the same time, to

strengthen the federal spirit, there should have been consultation and concurrence of the States before introducing such a Bill in the Lok Sabha. I believe even now it is not too late that the Union Government should take the initiative to bring some sort of acceptance from all the States. Already nine States have got the Right to Information Bill. But each State has got different type of Bill. Now, there should be some uniformity. When there is such uniformity, there should be acceptance from the States.

Then two or three other important things, which have been suggested by intellectuals and civil rights activists, are also being introduced now. For example, earlier the right to information was there but the cost of seeking the information was very high. Only yesterday one voluntary organisation was telling me that in Madhya Pradesh they had asked for information about the National Food-for-Work muster roll. The concerned officer had asked them to pay Rs. 6,75,000 to provide this information. Now, the present amendment gives an excellent opportunity that the cost is reasonable. That is number one. Second, for the people below the poverty line, it should be supplied free of cost. I think this is really a very useful amendment. This will make the common people to utilise the opportunity of the right to information.

But here I would like to say that the right to information need not be only on demand. There is a provision that every year some of the organisations have to print the information, but many important changes have been brought because of the information technology. Every Department should be asked to provide the information whatever is necessary, whatever is available on online so that the people can take it whenever it is necessary. Without asking also, it should be available. Up to the Panchayat Raj level, this should be made available. At the same time, through all the Government media, the right to information should be popularised and it should be made a part of the textbook to inculcate the idea among the people that it is their right and this consciousness should be developed among the people so that democracy can function more properly.

But, Sir, regarding the exemptions that are being given, I feel that though some more amendments have come, still the list is too long. I do agree that regarding some sensitive things, like the Defence, security and all these things, there should be always exemption.

But regarding the Defence purchases, etc, there is no necessity to keep it totally secret. Here, I would like to say one thing. In the foreign newspapers, in some of the top economic newspapers, we read in advance what is it that the defence department is going to order from which country, and how many of these types of weapons are going to be purchased. But it is not available to the public. It is available to foreign countries. It is available to newspapers. But, it is not available to only the citizens of this country. This type of exemption should be reduced as much as possible, if the right to information is to be properly utilised. Greater and effective information is certainly available. Transparency and accountability is provided. But, it should be very properly available to the common people so that this type of exemption should not stand in the way.

Then, I also appeal that the concurrence of the States should be made available; it should be somehow sought so that this federal spirit should not be undermined.

Sir, I appeal that the information relating to human rights violations, etc. are also being brought. That is a good thing. Information regarding corruption, these human rights violations has been made available. I really feel sorry that the principal Opposition Party is missing this opportunity when the

Parliament is passing such important legislations which are very useful for the strengthening of democracy. From the CPI side, we support this Bill totally, and I once again congratulate the Government for bringing this sort of Bill.

SHRI SAMIK LAHIRI (DIAMOND HARBOUR): Thank you, Sir, for giving me this opportunity. I do not want to repeat those things which have already been spelt out by different colleagues. I feel that this is a historic Bill so far as the empowerment of the people is concerned. After the 73^{rd} and 74^{th} Constitutional (Amendment), this is one of the most important legislation which is to be taken up by this House. Again, I join all my other colleagues in expressing my dissatisfaction as the entire Opposition has boycotted this Parliament, and they have not joined. They have not taken part in legislating this historic legislation.

Sir, it took 57 years for us to empower the people more and more. Through our own experience, we have decided to empower the people in much more effective and meaningful manner for which this piece of legislation has been brought about before this House. In fact, this process was initiated in the year 1997 when the United Front Government was there. On the 2^{nd} January, one Working Group was formed, and in the same year within the stipulated timeframe in the month of May, that particular Working Group placed its Report. Then, in the same month, all the Chief Ministers were there in a conference who discussed about the Report of that Working Group. But, unfortunately, just after the approval of the draft Bill by the Chief Ministers of the different States, the United Front Government fell down.

16.00 hrs.

Sir, in the year 2000, when the NDA Government was there, they placed the Bill. The Bill was subsequently referred to the Standing Committee. It is all known to us. The Standing Committee submitted its Report in 2001. That is also quite known to us. After that the Bill was placed before the Lok Sabha. We, being in the Opposition, had rendered our full support though there were a lot of loopholes. We had some apprehensions that with those loopholes, this piece of legislation cannot serve in its best way in empowering the people. But then also, being the responsible Opposition, we rendered cooperation in this House so that the Bill is passed. But unfortunately, may be due to the lack of political will, the then NDA regime did not follow the other procedural requirements so that this Act comes into existence. So, again after the formation of the UPA Government, we, the Left and our Party, demanded that the Right to Information Bill must be placed before the House, must be discussed at the appropriate level, with all concerned, and this right should be conferred to the people. We are thankful to the UPA Government as they have fulfilled their commitment to the National Common Minimum Programme and they have brought this piece of legislation.

At the outset, I have said that I do not wish to repeat the points which have already been made by the hon. Members. I just wish to associate myself with this important Bill. But one of the important points which I wish to make before this House and through you to the Minister is as to why we are

bringing this piece of legislation. We want to make this Government more accountable to the people; we want to make this Government more progressive; we want to make this Government more meaningful to the people; and we want to empower the people. But now, particularly after the liberalisation, the non-governmental organisations, the non-State organisations are also playing a very important role in contributing to our economy, to our polity, to the society and to the culture. But the question is how they are to be taken within the purview of Right to Information.

Nowadays many services are being rendered by the private sector. I would like to know whether the people should not have the right to have all the information from them. I would also like to know whether the people should not have the right to have the information about the transactions which are taking place over there.

In this House we have debated many things which show how lack of transparency is there in the corporate governance. There is a debate not only in our country but also throughout the world about the corporate governance. They are playing a large role in our country too. So, I would urge upon the Government that they should consider how to bring them within the purview of this Right to Information Bill.

We must make people aware about their rights. Simply by making legislation, it will not make things very meaningful. So, on the one hand, we have to make aware the people and, on the other hand, we must empower the people.

I am thankful to the Government that they have provided an opportunity so that people from the lower income strata can get the information free of cost or at a reasonable cost. I hope, the Government will consider this point also.

Then, there are some other points which I wish to place before this Government though I do not know whether all these things have been incorporated in the amendments because the original Bill is of 22 pages and the amendments are running into 17 pages, and we have received them in the morning only.

How are the local bodies being incorporated or covered within the purview of this law? Definitely, the Minister will clarify this. What sort of autonomy is this Commission going to enjoy? How will this Commission be more reachable to the people? What kind of awareness programme will be promoted by the Commission so that people come forward, so that people become aware of their right? I wish to have clarifications on these points.

MR. CHAIRMAN: Now, I request the hon. Members to make limited speeches because there is another Bill to be taken up for discussion today. The Minister"s reply will be tomorrow. So, if you co-operate, these two businesses can be transacted. The difficulty is that we have only three days before us till the Session concludes. So, I seek your co-operation. I do agree that it is a very important Bill, but the time is limited. The Business Advisory Committee has taken such a decision. So, please co-operate.

श्री शैलेन्द्र कुमार (चायल) : सभापति महोदय, आपने मुझे सूचना का अधिकार विधेयक, 2004 पर बोलने का मौका दिया, इसके लिए मैं आपको धन्यवाद देता हूं। सबसे पहले मैं माननीय मंत्री जी को बधाई देना चाहूंगा कि काफी समय के अंतराल के बाद, देश की स्वतंत्रता के 57 वर्ा बाद, यह विधेयक आया है। यह विधेयक अपने आप में बहुत महत्वपूर्ण है। आज इतने महत्वपूर्ण विधेयक

पर हम लोग चर्चा करने के लिए इस सदन में बैठे हैं, विपक्ष के लोग भी यहां होते तो बहुत अच्छा होता। यह विधेयक कायदे से राजग सरकार को लाना चाहिए था लेकिन यूपीए सरकार इस विधेयक को लाई है, इसके लिए मैं विशे तौर पर यूपीए सरकार को बधाई देना चाहूंगा। क्रांति के इस युग में, जहां टेलीफोन, मोबाइल, इंटरनेट, अखबार, टेलीविजन है, इनके माध्यम से पूरी दुनिया ग्लोबल विलेज के रूप में बनती जा रही है। सूचना की इस क्रांति में सूचना के अधिकार में ग्रामीण क्षेत्रों के लिए विशे तौर पर सोचना होगा। हमें सूचना के अधिकार में पारदर्शिता लानी होगी, इस ओर हमें सोचना पड़ेगा। खास तौर से इस विधेयक के माध्यम से हमें गौर करना पड़ेगा कि हमारे समाज में, हमारे देश में जो अनपढ़, गरीब, भूखे-बेघर, शोति मजदूर, आदिवासी, दलित और खानाबदोश हैं, उनके बारे में विशे तौर पर सोचना पड़ेगा। तमाम माननीय सदस्यों ने यहां पर राय रखी कि सूचना के अधिकार के तहत, जो गरीब लोग हैं, जो बीपीएल धारक हैं, उन्हें मुफ्त में सूचना मिलनी चाहिए।

सभापति महोदय, दूसरी बात मैं कहना चाहूंगा कि हमारा देश किसान प्रधान देश है। किसान की खुशहाली से ही देश का विकास है। खास तौर से गांव में बसने वाले किसान, आज की आपाधापी की दुनिया में, कम्पटीशन के युग में, यह जानना चाहेंगे कि कि हमारे खेत पर कौन सी कंपनी कब्जा कर रही है, कौन से बीज अच्छे हैं, कौन सी फसल के उत्पाद का सही मूल्य मिल पाएगा, इस तरह की सूचना आम ग्रामीण किसान जानना चाहेगा। सूचना के अधिकार को ग्रामीण स्तर पर लाना पड़ेगा। इसलिए माननीय मंत्री जी किसानों को विशे छूट देने का प्रावधान इस विधेयक में करें।

16.10 hrs. (Shri Balasaheb Vikhe Patil in the Chair)

सभापति महोदय, यहां पर मानवाधिकार से संबंधित बातें कही गई है। यह बात सत्य है कि कई ऐसी शिकायतें मानवाधिकार आयोग से की जाती रही हैं, लेकिन हमें उनकी जानकारी नहीं होती है। इसलिये, मैं कहना चाहता हूं कि हमें इन बातों की जानकारी होनी चाहिये। जब हमें इन बातों की जानकारी नहीं है, तो आम आदमी की बात ही क्या, या ग्रामीण क्षेत्रों में रहने वाले व्यक्तियों की जो शिकायतें होंगी, उनके लिये मुसीबत होगी। हम चाहते हैं कि उन लोगों को आसानी से यह जानकारी मिल सके।

सभापति जी, यहां पुलिस बल के बारे में कहा गया है। एक पुलिस बल का कर्मचारी एक आदमी के द्वार पर सम्मन लेकर खड़ा हो जाता है लेकिन वह बताता नही कि यह सम्मन किस बात के लिये है। जब आदमी अदालत में जाता है, तब उसे मालूम होता है। इसलिये यह बात सूचना के अधिकार में निहित होनी चाहिये।

MR. CHAIRMAN : Please conclude your speech.

श्री शैलेन्द्र कुमार : एक आम आदमी को इससे सुविधा मिल सके कि उसने क्या गलती की है उसे इस तरह की जानकारी मिलनी चाहिये। मेरा ऐसा मत है कि इस कानून का स्थानीय निकायों - पंचायती राज में कड़ाई से लागू होना चाहिये। आज स्थानीय निकाय तमाम तरह के विकास कार्यों की बात करते हैं लेकिन हम लोगों को मालूम नहीं होता कि कहां और कैसा ि वकास हुआ है या कैसा करना चाहिये या कहां धन का प्रयोग किया गया है। इसलिये ऐसी जानकारी हम लोगों को मिलनी चाहिये। इस सूचना के अधिकार विधेयक में स्थानीय निकायों को शामिल करना चाहिये ताकि हम लोगों को सूचना आसानी से उ पलब्ध हो सके।

MR. CHAIRMAN: Kindly conclude your speech.

श्री शैलेन्द्र कुमार : सभापति महोदय, विश्वसनीयता और गोपनीयता का संबंध इस अधिकार में आता है। इसलिये, मैं चाहूंगा कि माननीय मंत्री जी कुछ बातों का उल्लेख सरकारी विभागों और खासकर ग्रामीण स्तर पर जो विभाग जनता से जुड़े हुये हैं, उनके बारे में रहे वहां विश्वसनीयता और गोपनीयता का ख्याल न रखते हुये, हम लोगों को यह जानकारी मिले कि हमारी सरकार या ि वभाग क्या कर रहा है, वह सूचना हमें आसानी से उपलब्ध हो सके।

इन्हीं शब्दों के साथ, मैं माननीय मंत्री जी द्वारा लाये गये इस विधेयक का स्वागत करता हूं।

SHRI ADHIR CHOWDHURY (BERHAMPORE, WEST BENGAL): Sir, I rise to support the amendments in the Right to Information Bill. If I may say, it is a revamped Right to Information Bill.

The Right to Information Bill had taken an arduous path before being implemented because the Bill had originated in 1997. But after having a long and unreasonable sojourn, it is now going to be implemented. You are also aware that the National Common Minimum Programme (NCMP) has pledged for a meaningful, progressive, and participatory nature of Information Bill.

Decades earlier, the dream of the late Shri Rajiv Gandhi, our beloved leader, was the devolution of power to the people. His slogan was : "More power to the people." Now, under the leadership of Shrimati Sonia Gandhi, who happens to be the Chairman of the NAC, the dream has been realised. Now, the people of India will be able to exactly know about all that is taking place in their periphery, including in the local bodies, State and all national public affairs.

Right to Information was first introduced in Sweden in the year 1776. It is in the course of evolution that we are now getting ready to accept this Bill with a view to providing more transparency in our governance. Henceforth, the Government will be more accountable to the people.

I would like to refer to certain pertinent points with regard to this issue. I would also like to draw the attention of the concerned Minister to the original Bill on the Right to Information with regard to the constitution of the Central Information Commission. It was stated that the Information Commissioner and the Deputy-Information Commissioner shall be appointed by the hon. President on the recommendation of a Committee consisting of the Prime Minister, the Leader of the Opposition, and the Chief Justice of India.

But in the amended version of this Right to Information Bill, it has been stated, "Union Cabinet Minister to be nominated by the Prime Minister." I urge upon this Government to reconsider this clause because it will invite criticism from various corners saying that there is political interference.

Sir, we are a responsible Government, but that does not mean that all the State Governments and all other Governments will follow the same line as is followed by the Congress Government or by the UPA Government.

The salient features of this Right to Information Bill are minimum exceptions, penal mechanism, appeal mechanism, and easy access to information. In the original Bill, it was stated that:

> "Notwithstanding anything contained in section 20, where the Commission at the time of deciding any appeal is of the opinion that the Public Information Officer has persistently failed to provide information without any reasonable cause within the period specified under sub-section (1) of section 7, the Commission may authorise any officer of the Central Government to file a complaint against such Public Information Officer before a Judicial Magistrate of First Class."

But here in the amended form, the Government has deviated a little bit from what has been stated in the original Bill. It has been stated that:

> "…obstructing in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information

Officer or the State Public Information Officer, as the case may be, under the service rules applicable to them."

It is a well-known fact that under the pretext of service rules, many deterrent penalties could be violated. Therefore, Sir, I think, more stringent measures must be adopted against those officers who intentionally delay or obstruct the process of information because our country is still having the hangover of imperialism. Still, we are bearing the imperialistic hangover in our bureaucracy. Our bureaucracy has been very much sustaining and surviving on their passivity and they always come in the way of implementing any transparent measures in our country. Therefore, Sir, I think, more stringent measures must be provided in this Bill so that people are not harassed and those who are responsible for obstructing any kind of information are punished.

Sir, may I ask the hon. Minister whether this Central legislation will prevail over all existing legislations which may come in conflict with the contents, tone and tenor of this Bill because there is the existence of the Official Secrets Act and the Indian Evidence Act? Once upon a time, Justice Iyer commented that the Official Secrets Act must be sentenced to death. Therefore, Sir, may I ask the hon. Minister whether it will be inconsistent with the prevailing law?

There are so many undaunted officials in our country who often take the risk of their lives to disclose the nefarious activities, to disclose the underhand activities that go on in various Departments. To protect those undaunted officials, is the Government going to take any measures? Is the Government going to take any measure to protect those courageous officials in performing their own job without any disturbance?

According to the Bible, "You shall know the Truth, and the Truth will make you free." We are a democratic country. Democracy cannot be sustained without having an informed population. This Right to Information Bill will play a contributory role. This will help the people in coming forward to participate in our democracy meaningfully. Therefore, I am thankful to this Government for introducing this Bill in a revamped way. I am thankful to the Chairperson of the National Advisory Council who took special interest in the introduction of the Bill in this manner.

SHRI KINJARAPU YERRANNAIDU (SRIKAKULAM): Mr. Chairman, Sir, we are discussing the Right to Information Bill, 2004. At the outset, I wonder as to why this Government does not make the right to information a Fundamental Right under the Constitution of India. If it is made a Fundamental Right, then the citizens can go to the court and get information. However, the Government has brought this Right to Information Bill, 2004.

There is the Official Secrets Act and some of the provisions of other Acts which debar citizens from acquiring information, or the empowered authority to withhold the information on the plea of security and safety. So, there is a lot of demand for a long time in our democracy and people want repeal of the Official Secrets Act, 1923. The Government of India appointed the Mathew Committee which also gave some recommendations to amend the Official Secrets Act.

In a democracy, people are great. In a democracy, all institutions have to provide information to the citizens of the country. So many people have given so many suggestions. The Government has amended one Section relating to the appointment of Central Information Commission. We have appointed a Committee with the Prime Minister of India, the Leader of the Opposition and the Chief

Justice of India. That is a correct proposition. However, the Government now seeks to amend the Bill to the effect that instead of Chief Justice of India, one Union Minister should be appointed by the Prime Minister irrespective of whose Government it is. With this amendment, the representation of Government increases to two. The Government brought all the sections, clauses and transparency and everything, but by putting two persons from one side the whole transparency is lost. There is no genuineness. That is why the Chief Justice of India at the Centre and the Chief Justice of the High Courts at the State Information Commission should be ensured.

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): If you permit me kindly, we are on leverage to always separate Executive from the Judiciary. Executive functioning is the responsibility of the Government. The Government is not arrogating any power to itself. It is only the appointment of the Commission and nothing else.

SHRI KINJARAPU YERRANNAIDU: Otherwise, you put the Lok Sabha, Speaker instead of a Cabinet Minister.

SHRI PAWAN KUMAR BANSAL : There are so many organisations which come under the executive function of the Government. Government cannot give up its functions. There is a clear separation of functions.

SHRI KINJARAPU YERRANNAIDU: Functions are different. We are talking about right to information.

SHRI PAWAN KUMAR BANSAL: In the larger interest, we should rather keep the Chief Justices away from these appointments. This is all the function of the Government. In fact, we are going a step forward to include the Leader of the Opposition.

SHRI KINJARAPU YERRANNAIDU : Bansalji, you brought this Right to Information Bill to ensure more transparency.

MR. CHAIRMAN : Please address the Chair.

SHRI KINJARAPU YERRANNAIDU : They want to reduce corruption.

SHRI PAWAN KUMAR BANSAL : This is only about Commission. Information is to be provided by the others. If somebody does not provide information, then the appeal goes to the Commission. There is no ‘political decision-making’ by this Commission.

SHRI KINJARAPU YERRANNAIDU : I am talking about the appointment of the Commission. The second point is, people want more information from the local bodies and from the State Governments. So, this Bill will be binding on the State Governments and the local bodies. If any State Government is not following the provisions of this Act, there is a remedy or a constitutional obligation – this is to be clarified. Tomorrow, the State Government may not notify the State Commission. By this Act, we can empower that or not – this is also to be clarified. Most of the citizens want information. If the *gram panchayats* cannot provide records, by passing this Bill, they would get more information.

The States should also formulate Commissions and even the local bodies should be brought under the purview of the State Commission. Otherwise, the purpose will not be served. Eighty per cent of the population lives in the villages and they have no access to information. By this, they would get information from the local bodies.

The third issue is this. In the State of Andhra Pradesh, they are going in a big way for the construction of irrigation projects. The MLAs, the MPs and people demand the records, but the Government is denying it. After the passage of this Bill and after 120 days of notification, they are entitled to get records from the State Government – this is one more point that has to be clarified.

When Shri Chandrababu Naidu was the Chief Minister in the Internet Age, what did we do? We did put all the files relating to tender process on the Internet. After putting information on the Internet, the meetings between the common man and the bureaucracy got reduced. If anybody wants to know information, they get into the Internet and go through the files. This happened, even when there was no Right to Information Bill. We made available all the information to the citizens in Andhra Pradesh.

Now, there is a lot of controversy going on in Andhra Pradesh. We are saying that the files are to be put before the Speaker; we want all the records. We see that by evening of a day, the project cost was Rs.500, but the very next day, it is increased to Rs.700 crore. How was it done and how was it increased – we want to have the records, but the Government is denying them. It is because there is no law at the moment. Whether, after passing this Bill, it will apply to the whole of India and to the local bodies, the Minister has to clarify. Otherwise, there is no use of this Bill. This is my contention. If you want to bring in a Bill, it should apply to the whole country.

MR. CHAIRMAN : Kindly cooperate with the Chair and conclude.

SHRI KINJARAPU YERRANNAIDU : The information should be available to the citizens free of cost. Only the income taxpayers should pay something; other than the income taxpayers, it is the right of the citizens to get the records, if he has applied for it. We have to make it mandatory.

Lastly, there is no penal provision. If the Information Officer denies giving information, after application, they are imposing a penalty of Rs.250, which may go up to Rs.25,000. But there is no penal provision. We have to provide for a penal provision also. Otherwise, they may not give proper response; they may not give information. So, a penal provision should be incorporated saying that if any Information Officer violates the rules and regulations, he will be penalised. This is my request to the hon. Minister.

With all these suggestions, I support this Bill.

DR. R. SENTHIL (DHARMAPURI): On behalf of the Pattali Makkal Katchi, I rise to support this Right to Information Bill, 2004.

At the outset, I congratulate the UPA Government for fulfilling one more of its commitments made in its CMP. This is a big step in the democratic process and I hope that our bureaucracy which had been more than a stumbling block for development, would become more responsible, more accountable and more importantly, more responsive.

Just a couple of days ago the President of Russia quoted the functioning of our democracy to justify his own actions in his country. This being the stature of our country, I think this Bill will actually help the image of our country in the international arena. Having said that, there are a few doubts that I have.

The first one, which other Members have also expressed, is regarding relationship of this Bill to the already existing Bills in a couple of States, including Tamil Nadu. I think the amendment No.5 clearly says that the appropriate Government means Central Government, Union Territory and State Government. Amendment No.87 clearly describes the State Information Commissioners" job. I think this Bill should overwrite the already existing State legislation and I hope the hon. Minister will clarify on this.

Coming to the individual clauses, I actually congratulate the hon. Minister for making it obligatory on the authority to give details in the local language. That is very important. But what is more important is, this Bill appears to be saying that somebody wanting information from a Government authority should go to the Public Information Officer. Instead, I would actually request that the whole concept must be made that the Government hereafter is open, it is responsible and that it is the responsibility of every authority to divulge information. For example, there is an outbreak of Meningitis in the national capital. If somebody goes and asks the authority of the hospital, he should not direct him to go to the Information Officer. Instead, whoever is the official he should have the responsibility to answer the questions asked by either Media or anybody else. So, sufficient provisions should be there so that the information should not only be channelised through the public information official but any officer should have the duty to divulge information.

There is another important concern for everybody with regard to fee. I agree that people below poverty line need not pay the fee. Of course, clause 7 says, "if more payment is needed for any information, any further fee representing the cost of providing information, the Public Information Officer shall send the information to the person making a request", meaning that there may be situations where more fee will be needed. I agree that there may be a provision for minimal fee, but this clause is not at all necessary. This is only making the things complicated.

Another thing that is totally not acceptable is the provision regarding 30 days time for giving information. It is too much and it has to be changed. With these few words, I support the Bill.

SHRI ASADUDDIN OWAISI (HYDERABAD): Sir, the right to information has been construed by the Supreme Court to be inherent in article 90 of our Constitution. Therefore, to get information is the fundamental right of the citizens. At the outset, I would like to congratulate the Government for fulfilling one of its promises made in the Common Minimum Programme. I have a few queries and I hope the hon. Minister, when he stands up to reply, will put light on it.

The first one is regarding clause 8. It talks about the economic interests of the State. I would like to know what are the economic interests of the States which cannot be disclosed. In the same clause, clause 8, sub-clause 1 (i), it talks about "other officers". I would request the hon. Minister to delete these words because even a clerk will say that he is an official working for the Cabinet and so he cannot part with the information.

I would like to know the state of oath of secrecy that the Ministers take. After passing of this Bill, what will be the position when it comes to the oath of secrecy of the Ministers.

The original draft of the Right to Information Bill had even given people an opportunity to ask for records from security agencies. It is a known fact that because of the security agencies, gross human rights violations have taken place. Why is it that now such power has been taken off, especially when you mention Intelligence Bureau in the Second Schedule? What happened in Gujarat is a known fact.

We would like to know what really happened. We would like to know the real facts because what we know is that in Gujarat a senior IPS officer is having diaries wherein he has recorded day-to-day events. Why could that not be produced? Moreover, why this time limit of 10 years of disclosure could not be increased to 30 years? It is because transparency is the corner stone of parliamentary democracy. These are the things I hope the Minister will incorporate because they are very much necessary.

I am sure that after passing of this Bill in this august House, Shri Lalu Prasad would really come to know what actually happened in Chhapra. He would be able to know whether the report sent by Mr. Saptharishi was right or wrong. But at the same time, one of the draw backs of this Bill is that it is not applicable to all the States of our country. It is applicable only to the Union Territories. Why could it not be applicable to every State? Limiting it to such a narrow geographical sphere will really not serve the purpose. Though a beginning has been made and I would like to thank the Government for that, but I hope that when the Minister stands up to reply, he will give a specific reply to the points that I have raised. I thank you once again for giving me this opportunity.

DR. SEBASTIAN PAUL (ERNAKULAM): Sir, I support this Bill. I welcome this Bill as the most progressive piece of legislation initiated by the UPA Government. I thank the Chairperson of the National Advisory Council, Shrimati Sonia Gandhi for the initiative taken by her to make right to information a reality. I am particularly happy and proud to be present at this moment in this august House when we are creating history.

By enacting this law, we are empowering the citizens against the State, making the society open, State transparent and democracy vibrant. This is a model legislation for other countries contemplating right to information legislation. An effective right to information should be seen as a prerequisite of a matured and genuine democracy. The Freedom of Information Act was adopted by the previous Lok Sabha but was not notified. It did not fulfil these objectives. It fundamentally failed to empower the citizens against the State because it heavily favoured the bureaucracy and paid only lip service to the people’s right to know. The penalty provisions as well as an independent system of appeal make this legislation an effective one. Not only the people but the media also is getting empowered. We are infusing life into the precious fundamental right of freedom of speech and expression guaranteed by article 19(1)(a). As a natural corollary, we have to scrap totally the obnoxious Official Secrets Act which is a colonial legacy. तमसो माः ज्योर्तिगमयः is the motto. Let us lead the country from the darkness of secrecy to the sunshine of information.

श्री राम कृपाल यादव (पटना) : सभापति महोदय, मैं आपका आभारी हूं कि आपने मुझे सूचना के अधिकार जैसे महत्वपूर्ण विाय पर बोलने का अवसर प्रदान किया। मैं यूपीए सरकार का भी आभार प्रकट करना चाहता हूं जिन्होंने अपने वायदे के अनुसार सूचना के अधिकार जैसे महत्वपूर्ण विधेयक को सदन में प्रस्तुत किया। यह संवैधानिक अधिकार हमें बहुत पहले मिल जाना चाहिए था। यह

अधिकार संविधान में है, लेकिन यह सरज़मी पर नहीं आ रहा था। सरकार ने इस कानून से देश के लोगों की वर्षों की मांग को पूरा किया है। मैं माननीय प्रधानमंत्री जी और माननीय मंत्री जी के प्रति भी आभार प्रकट करता हूं।

16.40 hrs. (Mr. Speaker in the Chair)

भारतीय संविधान के अनुच्छेद 19 में प्रावधान है कि सभी नागरिकों को सूचना का अधिकार मिलना चाहिए, लेकिन वह नहीं मिल पा रहा था, जिसकी वजह से आम तबके के लोगों, अशिक्षित लोगों की हकमारी हो रही थी। सरकार के कामों में जो पारदर्शिता होनी चाहिए, वह नहीं हो पा रही थी। मैं समझता हूं कि यह लोकतंत्र के लिए शुभ संकेत नहीं था। सूचना के अधिकार से जनता सशक्त होगी और अवाम को उसका छिना हुआ हक मिलेगा। जो अधिकारी स्वतंत्र रूप से गोपनीयता के नाम पर भ्रटाचार को छिपाने का काम करते रहे हैं, अब उनकी पोल खुलेगी, पर्दाफाश होगा और आम लोगों को सही इन्फार्मेशन मिल सकेगी। अभी भी ऐसा लगता है कि जो लोग पढ़े-लिखे हैं, वे रेडियो, इंटरनेट, समाचार पत्रों या और माध्यमों से सूचना प्राप्त कर लेंगे लेकिन जो 75 प्रतिशत लोग खेत-खलिहान में काम करने वाले हैं, उनको कैसे सूचना मिल पाएगी और कैसे न्याय मिल पाएगा, मैं चाहूंगा कि मंत्री जी अपने जवाब में इस बात को क्लैरीफाई करें। इस बिल के आने के बावजूद भी इस बात की शंका है। उन लोगों को इन्फार्मेशन चाहिए कि उनकी हकमारी कैसे हो रही है। उनके खेत में बीज नहीं डाले जा रहे हैं, उनके खेत विदेशियों के हाथों पट्टे पर दिए जा रहे हैं। कई ऐसे महत्वपूर्ण प्रश्न उनके दिमाग में हैं। उनको कैसे आश्वस्त करेंगे, मंत्री जी अपने जवाब में इन बातों को जरूर बताएं। यह बातें बहुत दिनों से चलती आ रही थीं, लेकिन आज तक इस तरफ कोई प्रयास नहीं किए गए। आज सरकार एक सशक्त कानून बनाने का काम कर रही है। मैं समझता हूं कि इस कार्य को करके सरकार लोकतंत्र की रक्षा करने का काम कर रही है। इससे प्रजातंत्र मजबूत होगा, आम लोगों की सहभागिता होगी और गोपनीयता के आधार पर हमारे बीच की जो कमजोरियां थीं, उन कमजोरियों को छिपा लिया जाता था, इस कानून के माध्यम से निश्चित तौर पर अधिकार मिलेगा। इससे हमारा जनतंत्र सशक्त बनेगा, जनता सशक्त बनेगी। उनके जो अधिकार किसी न किसी रूप में छीन लिए गए थे, वे उन अधिकारों से वंचित नहीं रह पाएंगे।

मैं चाहूंगा कि मंत्री जी उत्तर देते समय देश की आम जनता के मन की शंकाएं को दूर करने का काम करेंगे। यह सुनिश्चित करेंगे कि केवल देश के पढ़े-लिखे लोग ही सूचना के अधिकार का लाभ प्राप्त नहीं कर पाएंगे बल्कि देश के आम नागरिकों और गरीब लोगों तक भी सूचना पहुंचा पाएंगे।

मैं सरकार के प्रति आभार व्यक्त करता हूं और अध्यक्ष महोदय, विशेा तौर पर आपके प्रति आभार व्यक्त करता हूं कि आपने मुझे इस महत्वपूर्ण विाय पर चर्चा करने का अवसर प्रदान किया। मुझे विश्वास है कि मंत्री जी अपने जवाब के माध्यम से सदन और पूरे देश को संतुट करेंगे।

MR. SPEAKER: Shri Ram Kripal Yadav, I compliment you for your reasonable suggestions.

Shri Ramdas Athawale, do you want to speak or simply express your support to the Bill?

श्री रामदास आठवले (पंढरपुर) : अध्यक्ष महोदय, सूचना का अधिकार विधेयक, 2004 का समर्थन करने के लिए मैं खड़ा हुआ हूं। मै ज्यादा समय नहीं लेना चाहता, लेकिन इतना बताना चाहता हूं कि महाराट्र में श्री अन्ना हजारे ने इसके लिए आंदोलन चालू किया गया था। महाराट्र सरकार द्वारा सूचना का अधिकार देने का कानून भी बनाया गया है। यह बात बहुत अच्छी है कि अपने देश में जिस तरह करप्शन बढ़ रहा है, गलत काम किये जा रहे हैं, उसे रोकने के लिए सूचना का अधिकार विधेयक लाया गया है। सूचना का अधिकार विधेयक, जो अभी पास हो रहा है, श्री सुरेश पचौरी और यूपीए सरकार, जिसमें आप और हम सब हैं, ने हर आदमी को यह अधिकार देने का निर्णय लिया है। यह बहुत क्रान्तिकारी निर्णय है। यह कानून देश में बढ़ते हुए करप्शन को कम करने में जरूर सहायक होगा। जिस तरह श्री बाबा साहेब अम्बेडकर जी ने अपने कांस्टीट्शून में वन मैन वन वोट के बारे में बताया है, उसी तरह यह अधिकार हर व्यक्ति को मिलने वाला है। इसलिए मैं इस विधेयक का समर्थन करता हूं।

अध्यक्ष महोदय, हमारे देश में करप्शन को खत्म करने के लिए कानून तो बनते जा रहे हैं मगर करप्शन खत्म नहीं हो रहा इसलिए और संशोधन लाने की आवश्यकता है। अब कास्टिजम खत्म करने के लिए कानून है, सेक्युलरिज्म मजबूत करने के लिए कानून है मगर इसके बावजूद भी कम्युनलिज्म बढ़ रहा है। …(व्यवधान)

अध्यक्ष महोदय : कानून ठीक से लागू होना चाहिए।

…(व्यवधान)

श्री रामदास आठवले : मेरे कहने का मतलब इतना है कि कानून बन रहे हैं, यह अच्छी बात है लेकिन खाली कानून बनाने से देश का भला होने वाला नहीं है, इसलिए कानूनों को इम्प्लीमैंट अच्छी तरह से करना चाहिए। मुझे पूरा विश्वास है कि यूपीए सरकार आने वाले चार साल में यह काम करेगी। इसके साथ-साथ एनडीए को भी सबक सिखाने की आवश्यकता है। वे लोग संसद से बाहर रहकर लोकतंत्र का खात्मा कर रहे हैं। ऐसे दलों को भी कानून सिखाने की आवश्यकता है। अंत में, मैं इस बिल का समर्थन करते हुए अपनी बात समाप्त करता हूं।

MR. SPEAKER: Mr. Minister, what do you propose to do now regarding your reply to this Bill? Do you want to reply tomorrow?

कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री सुरेश पचौरी) : अध्यक्ष महोदय, आपकी आज्ञा होगी तो हम इसका उत्तर कल देंगे।

MR. SPEAKER: I think we have the sense of the House and we will take it up tomorrow.

Now, we will take up item No. 13, namely, Special Economic Zones Bill. The time allotted for this Bill is two hours. We may finish it today itself. The House may sit a little late for this purpose. I think you are all agreeable to this.